

APPROVED

MINUTES  
Utah Judicial Council's Committee  
on Court Forms

Administrative Office of the Courts  
450 South State Street  
Salt Lake City, UT 84111

October 17, 2017  
12:00 – 2:00 p.m.

ATTENDEES

Randy Dryer, Chair  
Judge James Taylor  
Commissioner T. Patrick Casey  
Stewart Ralphs  
Nathanael Player  
Mary Westby  
Kim Allard  
Cyndie Bayles  
Christina Cope  
Guy Galli  
Jessica Van Buren

EXCUSED

Kara Mann  
Judge Gregory Bown  
Brent Johnson

STAFF

Carol Sheets, Recording Secretary

**I. WELCOME AND APPROVAL OF MINUTES**

Randy Dryer welcomed the Committee members to the meeting.

The Committee discussed the September 19, 2017 minutes. There being no changes to the minutes, Stewart Ralphs moved to approve the minutes. Cyndie Bayles seconded the motion and it passed unanimously.

**II. FINAL REVIEW OF PETITION FOR ESSENTIAL TREATMENT**

Petition for Essential Treatment Form - Several changes were made to the Petition for Essential Treatment form. A line will be added in paragraph four of the petition to list the legal guardian's name along with any associated case number and date of appointment of legal

guardian. Judge Taylor requested that some space be allotted in paragraph five to reference the completed, competent evaluation of the respondent. He suggested that language be added that states, “include any professional evaluation or diagnosis information you have” or “describe any previous evaluation or treatment the respondent has had.” The Committee agreed that this language should be added to the form.

Mary Westby noted that in paragraph three, an option should be added for “grandchild” since many grandparents are now raising their grandchildren. If this category is added, the language in the final order may need to be adjusted to reflect this.

Request for Examination Form – This form is used when the court needs to order that the respondent undergo an examination. The respondent has the right to request a preliminary hearing before submitting to an order for examination. Judge Taylor asked that the phrase “and now being fully informed” be removed from the sentence after paragraph four as he is aware that judges may never be informed of the full details of their cases.

Order on Petition for Essential Treatment and Intervention Form – This is the final order after the evaluation is complete and the hearing has been held. The Committee discussed paragraph eight which states, “Petitioner shall be respondent’s personal representative for purposes of respondent’s essential treatment.” Another family member may come in later during the proceedings and be found to be a better person to be the respondent’s personal representative.

Judge Taylor asked if the form should have a place to reference the fact that the judge has found that the respondent suffers from a substance abuse disorder. Randy Dryer said that there should be a finding that the respondent is suffering from a substance abuse disorder and that it should be added to the form.

A motion was made by Stewart Ralphs to approve the four Essential Treatment forms as revised and submit them to the Judicial Council. Commissioner T. Patrick Casey seconded the motion and it passed unanimously.

Since Brent Johnson was unable to attend the meeting today, Jessica Van Buren was asked to have Mr. Johnson review the forms to see if he has any objections to them before they are approved to go to the Judicial Council.

### **III. FAMILY LAW FORMS**

Motion for Temporary Orders (With Children) – Jessica Van Buren said that the Attorney General’s Office and the Office of Recovery Services have both reviewed and approve of the proposed language regarding child support.

Revisions were made to paragraphs 6(a) and 6(b) regarding whether the petitioner and respondent's income should be imputed based on minimum wage or historical earnings. A line was also added that asks if the petitioner or respondent is currently on public assistance or has received public assistance in the past. The Committee expressed some concern that the word "impute" may not be plain language. Mr. Dryer suggested that the word "impute" still be used in the form, but have a parenthetical explanation alongside it such as, "is able to earn." Jessica Van Buren will check with Brent Johnson to see if there is a more appropriate word that can be substituted and Nathanael Player will ask the Style Committee if they have any other suggestions. Paragraph 6(c) will be revised to add language regarding the Uniform Child Support Guidelines and whether the petitioner or respondent feel that the guidelines are unjust, inappropriate or not in the best interest of the child(ren).

The subject of attorneys fees was discussed and the question was asked if pro se litigants could also ask for paralegal fees. Randy Dryer is unsure, but will communicate with the LPP Committee to find out what their view is on this.

The Committee noted that the form is lengthy due to the child custody arrangement examples displayed in the document. Once this goes into OCAP, the examples will no longer need to be on the form and the document can be reduced in size.

The Committee decided that "alimony" should be replaced by "temporary alimony" in all instances of the forms, and the Order on Motion for Temporary Order form will be changed to say "must be ordered" rather than "shall be ordered."

A motion was made by Stewart Ralphs to approve these documents as revised subject to review of the Attorney General's Office. Commissioner Casey seconded the motion and it passed unanimously.

#### **IV. GENERAL FORMS**

Standard Answer Form - A seventh heading, "Request", will be added to the form and allow the petitioner or respondent to explain what they would like the court to do based on their defenses. Paragraph ten that states "I also ask for such other relief as the court finds equitable and just" will be removed.

Counterclaim Form - The first sentence of the counterclaim form, "I say the following", will be removed and replaced with a new heading, "Claims - I believe the plaintiff / petitioner has harmed me in these ways." The Committee agreed that a few changes need to be made to the form in order for the defendant / respondent to be able to explain any claims against the plaintiff / petitioner.

A motion was made by Nathanael Player for the Committee to approve the general forms as revised and submit them to the Judicial Council for review. Cyndie Bayles seconded the motion and it passed unanimously.

These forms will be sent to the Judicial Council for their review.

Fee Waiver Forms – The Committee reviewed the forms and decided to review the Affidavit Supporting the Motion to Waive Fees until the next meeting.

A motion was made by Commissioner T. Patrick Casey to approve the Fee Waiver form as revised and submit it to the Judicial Council for review. Nathanael Player seconded the motion and it passed unanimously.

## **V. DEBT COLLECTION FORMS**

Debt Collection Answer Form - The first line of the document, “I say the following:”, will be removed and changes were made to the layout of the “Affirmative defenses” and “Request” sections of the form. A sentence from paragraph ten, “I also ask for such other relief as the court finds equitable and just” will be removed. The bankruptcy affirmative defense section should require the pro se litigant to include the bankruptcy case number and filing date. Paragraph nine will be changed to “Claims not allowed” rather than “Claims barred.”

A motion was made by Commissioner T. Patrick Casey to approve the forms as revised and submit them to the Judicial Council for review. Stewart Ralphs seconded the motion and it passed unanimously.

## **VI. CORIS CODE LIST**

Jessica Van Buren provided the Committee with a list of the CORIS Codes. Randy Dryer asked if the codes are statutory in nature and if they could be changed to be more easily identifiable. Since the coding is part of the CORIS program, the Committee is unable to change any of the codes on the forms.

## **VII. FINAL APPROVAL OF FORMS COMMITTEE PROCEDURES**

The final approval of the Forms Committee Procedures was discussed and no changes are necessary. The Committee recognizes that it can make changes to the procedures as necessary.

A motion was made by Commissioner T. Patrick Casey to approve the Forms Committee Procedures. Stewart Ralphs seconded the motion and it passed unanimously.

#### **VIII. OTHER BUSINESS**

The Committee revisited the 2018 meeting dates to ensure that the Committee members don't have any significant scheduling conflicts with the dates that have been scheduled. None of the members have any concerns, so the meetings will stay as scheduled.

#### **IX. ADJOURN**

There being no further issues, the meeting adjourned at 2:00 p.m. The next meeting will be held on Monday, November 13, 2017.